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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/875,082 ✓	06/06/2001	1645	395	50130-G	40	19	4

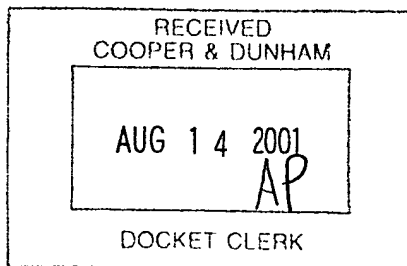
CONFIRMATION NO. 9120

## FILING RECEIPT

\*\*\*\*\*06411193\*

Date Mailed: 08/10/2001

John P. White  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Daniel J. Capon, Hillsborough, CA; ✓  
Christos J. Petropoulos, Half Moon Bay, CA;

## Assignment For Published Patent Application

ViroLogic Inc., San Francisco, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/371,774 08/10/1999 PAT 6,242,187  
WHICH IS A CIP OF 08/903,507 07/30/1997 ABN  
WHICH IS A CIP OF 08/790,963 01/29/1997 PAT 5,837,464  
WHICH CLAIMS BENEFIT OF 60/010,715 01/29/1996

## Foreign Applications

If Required, Foreign Filing License Granted 08/10/2001

Projected Publication Date: 11/22/2001

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Compositions and methods for determining anti-viral drug susceptibility and resistance and anti-viral drug screening ✓

**Preliminary Class**

435

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**Data entry by : SALEEKUL, SIRILUCK**

**Team : OIPE**

**Date: 08/10/2001**





**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
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4/19/04 IMAGE receipt

Express Mail No.: EV 361 329 990 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Capon <i>et al.</i>	Confirmation No.:	9120
Application No.:	09/875,082	Art Unit:	1645
Filed:	June 5, 2001	Examiner:	To be assigned
For:	COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL DRUG SCREENING	Attorney Docket No.:	11068-051-999 (formerly 50130-G)

**REQUEST TO CORRECT FILING RECEIPT  
AND PETITION UNDER 37 C.F.R. § 1.10(c) TO ACCORD FILING DATE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find an original and a marked-up copy of a Filing Receipt mailed by the U.S. Patent and Trademark Office on August 10, 2001 in connection with the above-identified application. Please note the error where marked-up on the copy of the Filing Receipt in the "Filing Date" section. Specifically, the "Filing Date" section incorrectly indicates the filing date of the above-identified application to be June 6, 2001. The "Filing Date" section should state that the above-identified application was filed on June 5, 2001.

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.10(c) to accord the correct date of filing of June 5, 2001. The facts in support of this petition are provided below.

On June 5, 2001, in accordance with the Rules of Practice for filing correspondence by "Express Mail" under 37 C.F.R. § 1.10(a), Applicants deposited a Request for Filing Continuation Application and Fee Transmittal and related documents (hereinafter, "the deposited correspondence") with the United States Postal Service (U.S.P.S.). Applicants used the U.S.P.S. "Express Mail Post Office to Addressee" service and paid sufficient postage therefor. The Express Mail Label No. was EL 525 963 264 US. A true copy of the stamped return postcard, which has an itemized list of the deposited correspondence mailed

on June 5, 2001, and Express Mail Label No. EL 525 963 264 US, is attached hereto as Exhibit 1. A true copy of the Post Office to Addressee Express Mail Mailing Label No. EL 525 963 264 US bearing the June 5, 2001 deposit date is attached hereto as Exhibit 2. The Express Mail mailing label clearly shows the "date in" as being the requested filing date of June 5, 2001. The Express Mail mailing label also bears a U.S.P.S. stamp verifying June 5, 2001 as the date of deposit with the U.S.P.S.

Also enclosed is a true copy of the Express Mail Certification dated June 5, 2001 and signed by an employee of Attorneys for Applicants, Mr. Chris M. Ries, is attached hereto as Exhibit 3. The Express Mail Certification indicates that the deposited correspondence corresponding to the attorney name "John P. White" and attorney docket no. "2793/50130-G/JPW/CMR" in that document, was inserted into the Express Mail package corresponding to the Express Mail Label No. EL 525 963 264 US, and that this package was deposited with the U.S.P.S. using "Express Mail Post Office to Addressee" service on June 5, 2001.

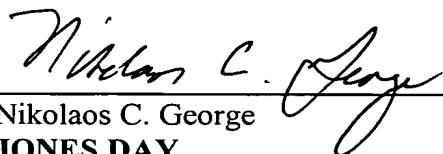
Accordingly, Applicants respectfully submit that all requirements under 37 C.F.R. § 1.10(a) and (c) have been fully met and that a filing date of June 5, 2001 is proper.

Applicants also respectfully request the issuance of a corrected Filing Receipt that accurately reflects the filing date of the application, *i.e.*, June 5, 2001.

Applicants submit that, since the error was on the part of the U.S. Patent and Trademark Office, no fee is due in connection with this request. However, should the Office determine otherwise, please charge any required fee to Jones Day Deposit Account Number 503013.

Respectfully submitted,

Date: April 14, 2004

 39,201  
Nikolaos C. George (Reg. No.)  
**JONES DAY**  
222 East 41<sup>st</sup> Street  
New York, New York 10017  
(212) 326-3939

Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

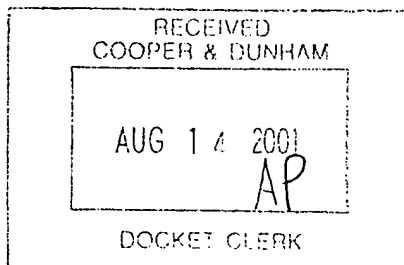
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Christos J. Petropoulos, Half Moon Bay, CA;

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**Data entry by :** SALEEKUL, SIRILUCK

**Team :** OIPE

**Date:** 08/10/2001

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# EXHIBIT 1

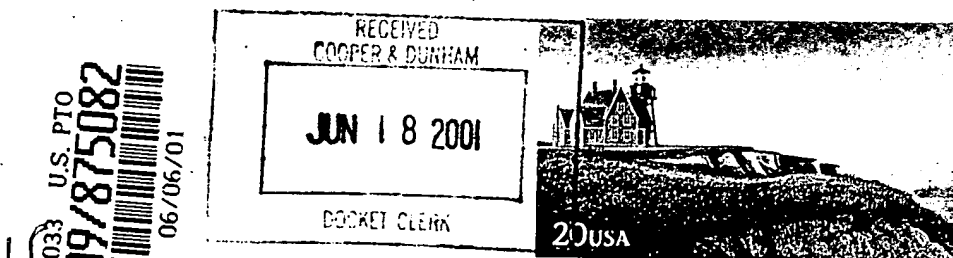
# FILE

Applicant Daniel J. Capon and Christos J. Petropoulos  
Client ViroLogic (2793) File No. 50130-G Atty. JPW/CMR  
Date June 5, 2001

Kindly acknowledge receipt of the accompanying

Continuation Application Under 37 C.F.R. § 1.53(b) in connection with Daniel J. Capon and Christos J. Petropoulos for COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL DRUG SCREENING U.S. Serial Not Yet Known (Continuation of Serial No. 09/371,774 filed August 10, 1999) filed herewith, including, Specification (339 pages), Claims (26 pages), Abstract (1 page), Formal Drawings (40 sheets), Declaration, Transmittal Letter in Triplicate, Preliminary Amendment with Exhibit A, a check in the amount of \$355.00, and an Express Mail Certificate of Mailing bearing label # EL 525 963 264 US dated June 5, 2001.

DATE DUE: June 5, 2001 by placing your receiving date stamp hereon and returning to us.



COOPER & DUNHAM LLP

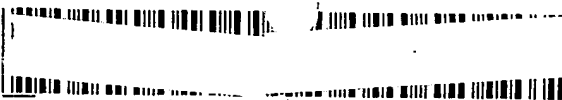
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EXHIBIT 2



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Date In Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
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Date In Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
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**EXHIBIT 3**

Dkt. 2793/50130-G/JPW/CMR

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Daniel J. Capon and Christos J. Petropoulos  
Serial No.: Continuation of 09/371,774  
Filed : June 5, 2001  
For : COMPOSITIONS AND METHODS FOR DETERMINING ANTI-VIRAL DRUG SUSCEPTIBILITY AND RESISTANCE AND ANTI-VIRAL DRUG SCREENING

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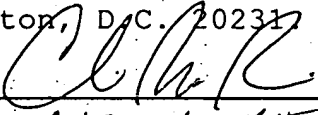
SIR:

**EXPRESS MAIL CERTIFICATE OF  
MAILING FOR ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: EL 525 963 264 US  
Date of Deposit: June 5, 2001

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Printed Name:

  
CHRIS M. KIES

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400